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SUBJECT: GEORGIA IN THE HUMAN RIGHTS COUNCIL: AFTER A SPURT OF ACTIVITY, NO FURTHER ACTION LIKELY

REF: GENEVA 759 (NOTAL)

Classified By: DCM Mark C. Storella. Reasons: 1.4 (B/D).

¶11. (C) SUMMARY: After an initial burst of activity regarding the Georgia crisis in the early days of the UN Human Rights Council's current session, the Council took up the issue again on September 16-17. The plenary discussions featured harsh words from the Russian delegation and a more measured tone from the Georgians. The EU and several others took a neutral tone, while Poland and Lithuania took swipes at Russia and some Central Asian states sided with the Russians. Most recently, Human Rights Watch, in a September 22 event, called for a Council special session to address the situation further. For now, there is virtually no chance that a special session will take place. The Georgian del tells us it sees no utility in further Council work on the crisis, although it is pressing for UN Special Rapporteurs (SR) to visit the region, starting with the SR on Internally Displaced Persons. There is currently no plan for the new High Commissioner for Human Rights to engage directly on the situation. END SUMMARY.

THE GEORGIA ISSUE IN THE COUNCIL

¶12. (SBU) With the Georgia crisis playing out just as the Council's Ninth Regular Session was underway, there had been much speculation about how the situation would be handled in that body. As noted previously (reftel), Russia's ambassador used the session's opening day, September 8, to sharply criticize Georgia and accuse it of committing genocide, with Georgia responding in more measured tones the next day. The two sides then used the September 9 report to the Council by the Special Rapporteur on Children in Armed Conflict to exchange accusations, with the Russians first charging that Georgian "aggression" had hurt children and the Georgians replying by calling on Moscow to allow humanitarian access to areas under its control, as Tbilisi already had done. It appeared that the entire two-and-a-half week session might feature rhetorical attacks by each side against the other.

¶13. (SBU) Though the subsequent reports of other special rapporteurs offered opportunities to continue such attacks, neither side took them up. Only when the Council turned to Agenda Item 4 (Human Rights Situations) on September 16-17 did the issue emerge again. Russia began with a harsh statement accusing Georgia of aggression, falsification of elections and authoritarianism and accusing the West of engaging in double standards in support of Tbilisi. Georgia took a more restrained tack, both in tone and substance, arguing that it had engaged in self-defense, seeks a peaceful solution and favors a UN team to gather information on internally displaced persons (IDPs). As expected (reftel), the EU took a neutral tone, mentioning violations by both

sides though also calling for cooperation by Russia. Canada, the UK, Romania, Estonia and the Czech Republic focused their statements on humanitarian assistance and/or a UN fact-finding mission. Poland and Lithuania sided with Tbilisi, with the former highlighting Georgia's sovereignty and the latter condemning Russia. Statements by Kazakhstan, Kyrgyzstan and Uzbekistan were generally supportive of Russia.

CALL FOR SPECIAL SESSION, BUT IT WILL GO UNHEEDED

¶4. (SBU) The Georgia issue did not re-emerge in plenary but was the focus of a September 22 side-event organized by Human Rights Watch. That event centered around the NGO's report on its preliminary findings, based in part on HRW researchers' visits to the region. The speakers, including Russian human rights activist Tanya Lokshina, highlighted apparent human rights violations by both sides, while stressing that more research and analysis was required. Both Russian and Georgian diplomats in attendance refrained from commenting on the report or criticizing one another.

¶5. (C) While laying out its initial findings, HRW also expressed its disappointment at the lack of Council action on the situation and urged a special session to address it.

(Note: The Council can hold a special session if at least one-third of the Council's forty-seven members call for it.

End Note) In private, however, the Geneva-based HRW activists acknowledged to us that none of the Council's members favored holding a special session, making its prospects virtually nil, at least for the foreseeable future.

Our subsequent conversations with a number of national delegations confirmed that assessment.

GEORGIA HOPES FOR SPECIAL RAPPORTEUR VISITS

¶6. (C) The Georgian Deputy PermRep told us September 22 that he had no hope for constructive action by the Council, and had found the exchanges between his delegation and Russia's earlier in the session to be unhelpful. Among Geneva-based human rights institutions, he held out hope only that visits by special rapporteurs could be useful in highlighting the situation on the ground and demonstrating Russia's lack of concern for human rights. As a first step, Georgia was pressing for the SR on Internally Displaced Persons, Walter Kalin, to visit the region. An official of the Office of the High Commissioner for Human Rights told us that Kalin is currently considering traveling to Georgia on October 2 for a visit of about a week, although many details remain to be worked out.

OHCHR PLANS

¶7. (SBU) OHCHR officials continue to tell us that new High Commissioner for Human Rights Navanetham Pillay has no plans to travel to Georgia for the foreseeable future, despite some earlier reports to the contrary. OHCHR is working with the Council of Europe, the EU and OSCE, and an official from OHCHR's Rapid Reaction Team joined the recent OCHA-led assessment mission to Georgia. OHCHR is considering its own mission as well, but is waiting to decide until it sees whether it could complement the work of a fact-finding mission to be deployed by SyG Ban.

COMMENT

¶8. (C) Despite the flurry of activity early in the session and in the Item 4 discussion, we detect a reluctance by Geneva-based delegations to get into the thick of the debate on Georgia in the Council. A number of delegations have also told us that their governments are uneasy about delving into a topic like Georgia, which has not been discussed previously in the Council and involves heightened sensitivities. The High Commissioner also appears to be treading softly, although OHCHR is looking for ways to play a role. While

OHCHR seems set to engage on Georgia, the Council is unlikely to address the issue in the period ahead, with virtually no prospect of a Council special session on the issue.

TICHENOR